

June 2, 2004
Docket No.: DP-301665 (7500/249)
Serial No.: 10/052,240
Filed: January 17, 2002
Page 7 of 12

-- REMARKS --

Claims 29-49 remain under consideration.

A. The drawings were subject to an objection.

The objection to the drawings is traversed. FIG. 3 is correct, as described below. Withdrawal of the objection is requested.

B. The specification was subject to an objection.

The objection to the specification is traversed. On page 11, line 7-8, the specification indicates that this "displacement of the sleeve creates inside the sleeve and around the end of the piston 70 an annular cavity 104" which is properly represented in FIG. 3. At page 11, lines 8-9, the specification further notes that the annular cavity is "filled by the material displaced by the deformations of the reaction disc 96." Thus, the specification and FIG. 3 are correct. Withdrawal of the objection is requested.

C. Claims 29-49 were rejected under §112, second paragraph.

The rejection of claims 29-49 under §112, second paragraph is traversed. The claim language is supported by the specification as above. Applicants further note additional support elsewhere in the specification, including at least page 11, lines 10-11 "the sleeve 86 is displaced towards the piston 70 and that the distance X decreases."

Withdrawal of the rejections to claims 29-49 is requested.

June 2, 2004

Docket No.: DP-301665 (7500/249)

Serial No.: 10/052,240

Filed: January 17, 2002

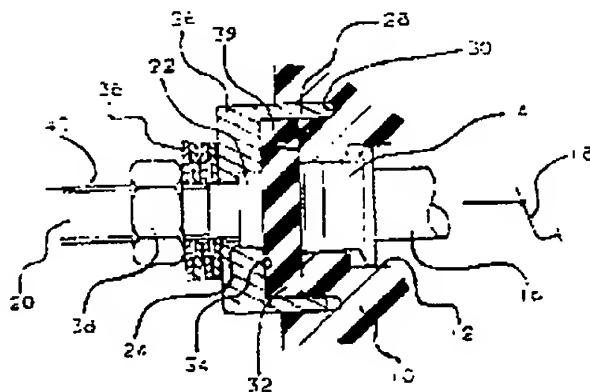
Page 8 of 12

D. Claims 40, 41, 44, 45 and 47-49 were rejected under §102(b) under Gauthier.

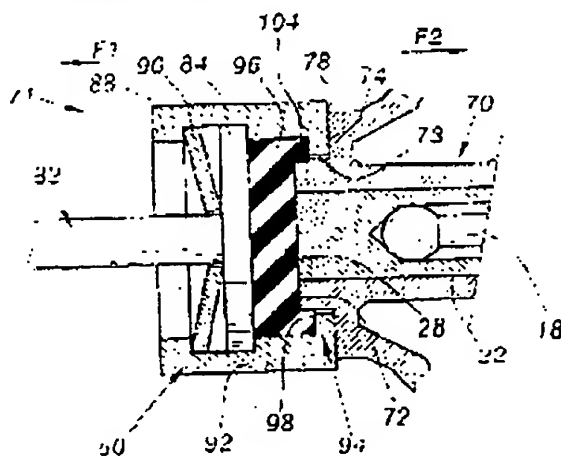
The rejection of claims 40, 41, 44, 45 and 47-49 under §102(b) as anticipated by Gauthier is traversed.

Gauthier does not disclose, at least, a "reaction disc disposed within the sleeve and held within the sleeve by an annular flange, the flange including a central orifice and forming a sleeve bearing surface," as claimed in claim 40.

Compare the structure of Gauthier:



and the claimed structure:



June 2, 2004
Docket No.: DP-301665 (7500/249)
Serial No.: 10/052,240
Filed: January 17, 2002
Page 9 of 12

As shown, Gauthier does not disclose that the "reaction disc [is] disposed within the sleeve and held within the sleeve by an annular flange, the flange including a central orifice and forming a sleeve bearing surface." While the Examiner indicates that the Gauthier inner surface 34 forms a bearing surface, claim 40 requires that the flange hold the reaction disc within the sleeve – an element not disclosed by Gauthier.

Claims 41, 44, 45 and 47-48 depend directly or indirectly from claim 40 and therefore are patentable over Gauthier for at least the same reasons.

Claim 49 requires "a thrust assembly comprising means for connecting to a master cylinder" and "a deformable reaction disc interposed between the piston and the connecting means." These elements are not disclosed by Gauthier. As graphically illustrated above, Gauthier does not disclose connecting means, as described in the application, as claimed in claim 49.

Withdrawal of the rejections to claims 40, 41, 44, 45 and 47-49 is requested.

E. Claims 40 and 45-49 were rejected under §102(b) under Tsubouchi.

The rejection of claims 40 and 45-49 as anticipated by Tsubouchi is traversed. Claim 40 requires "a deformable reaction disc interposed between the piston and the flat head, said reaction disc disposed within the sleeve and held within the sleeve by an annular flange, the flange including a central orifice and forming a sleeve bearing surface, and wherein movement of the assembly from the first braking state to the second braking state deforms the reaction disc, said deformation absorbed by an axial distance between an internal surface of the disc and the annular flange."

June 2, 2004

Docket No.: DP-301665 (7500/249)

Serial No.: 10/052,240

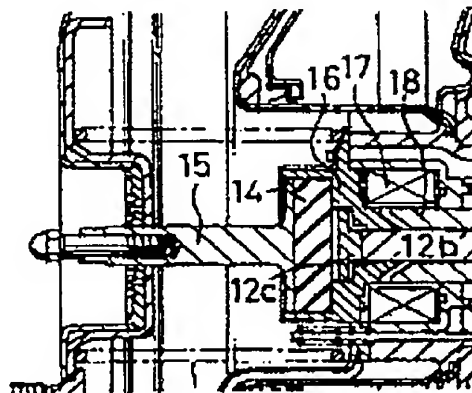
Filed: January 17, 2002

Page 10 of 12

Tsubouchi discloses no such structure. At column 14, lines 56-65, Tsubouchi discloses only:

The reaction disc retainer 16 is formed solid with the power piston 10 is formed on the power piston and is extended to engage the output side. The reaction disc retainer also has a tubular portion extended from the output end face. The inner peripheral portion of the output end face of the reaction disc retainer 16 is abutted against the outer peripheral portion of the input side end face of the reaction disc 14. The reaction disc 14 is fitted in intimate contact on the inner peripheral surfaces of the tubular portion and the output side end face of the reaction disc retainer 16.

Thus, Tsubouchi does not disclose that the flange includes a central orifice, nor disclose that the flange hold the reaction disc within a sleeve. Compare the relevant structures of Tsubouchi (reproduced below), with the claimed structure above.



Tsubouchi does not disclose a sleeve bearing surface of a flange configured to hold the reaction disc within a sleeve, as claimed in claim 40.

Claims 45-48 depend directly or indirectly from claim 40 and are therefore allowable over Tsubouchi for at least the same reasons.

Claim 49 requires "a thrust assembly comprising means for connecting to a master cylinder" and "a deformable reaction disc interposed between the piston and the connecting means." Tsubouchi does not disclose these elements. As graphically illustrated above, Tsubouchi does not disclose connecting means, as described in the application, as claimed in claim 49.

June 2, 2004

Docket No.: DP-301665 (7500/249)

Serial No.: 10/052,240

Filed: January 17, 2002

Page 11 of 12

Withdrawal of the rejections to claims 40 and 45-49 is requested.

F. Claim 49 was rejected as "clearly" anticipated by any one of Tobisawa or Inoue

The §102(b) rejection of claim 49 as anticipated by one of Tobisawa or Inoue is traversed. Claim 49 invokes the sixth paragraph of §112, and therefore Applicant is only entitled to the broadest reasonable interpretation in light of and consistent with the written description of the invention in the application. See, MPEP 2181.

Neither Tobisawa, nor Inoue, disclose "a thrust assembly comprising means for connecting to a master cylinder; a deformable reaction disc interposed between the piston and the connecting means for connecting to a master cylinder, and wherein movement of the assembly from a first braking state to a second braking state deforms the reaction disc, said deformation absorbed by an axial distance between an internal surface of the disc and the annular flange," as claimed in claim 49 and as would be consistent with the written description of the invention in the application.

Withdrawal of the rejection to claim 49 is requested.

June 2, 2004
Docket No.: DP-301665 (7500/249)
Serial No.: 10/052,240
Filed: January 17, 2002
Page 12 of 12

CONCLUSION

Claims 29-49 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112, as well as 37 CFR 1.126. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

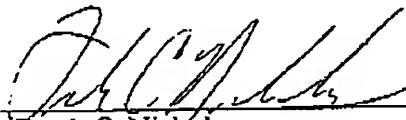
Dated: June 2, 2004

Respectfully submitted,
PHILIPPE GEORGES CASTEL

DELPHI TECHNOLOGIES, INC.
Legal Staff
P.O. Box 5052
Mail Code: 480-410-202
Troy, Michigan 48007-5052
(248) 813-1250

Michael D. Smith
Registration No. 40,181
Attorney for Applicant

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113



Frank C. Nicholas
Registration No. 33,983
Attorney for Applicant